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July 30, 2020

**BY ECF**

Hon. John G. Koeltl  
Southern District of New York  
500 Pearl St.  
New York, NY 10007

**Re. *Rivera v. 170 Kingsbridge Pistilli LLC, et al.*  
20cv01577 (JGK)(BCM)**

Dear Judge Koeltl:

I represent Plaintiff Lisa Rivera and hereby file the instant status letter and respectfully request a four-week extension of time to file a motion for a temporary restraining order and preliminary injunction. This is Plaintiff's second request for an extension of time.

On July 17, 2020, Plaintiff advised the court that the defendant landlord had provided notice to Plaintiff stating the apartment building's sole elevator was going to be taken out of service for up to 16 weeks starting on July 27, 2020, and Defendants have denied Plaintiff, a mobility disabled person who uses a wheelchair and lives on the third floor, a reasonable accommodation to temporarily relocate to an available ground-floor unit. (*See*, Dkt. No. [16](#)). As such, Plaintiff sought leave to file an application for a temporary restraining order and preliminary injunction. (*See, id.*). On July 20, 2020, the court granted Plaintiff leave and ordered a hearing on July 22, 2020. (*See*, Dkt. No. [22](#)). On the late evening of July 20, 2020, Defendant's counsel contacted my office and asked if Plaintiff would agree to not file the application, and requested an opportunity to begin an interactive process to determine the necessary reasonable accommodation needed by Plaintiff. Furthermore, Defendants affirmed it will stay the renovation of the elevator and not take it out of service for at least two weeks. On July 21, 2020, the court granted Plaintiff a 14-day extension of time to file an application for a temporary restraining order and preliminary injunction. (*See*, Dkt Doc. [27](#)).

Since July 21, 2020, parties have engaged in an interactive process to determine the necessary reasonable accommodations required by Ms. Rivera. Presently, Defendants are still evaluating

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July 30, 2020  
Page - 2 -

the requested accommodations, but have agreed to allow Ms. Rivera an opportunity to inspect a vacant ground-floor unit in order to determine if she may need any additional reasonable accommodations.<sup>1</sup> Accordingly, since our interactive process is not complete, Plaintiff respectfully requests an additional four-week extension of time to file an application for a TRO and preliminary injunction.<sup>2</sup> Additionally, Plaintiff respectfully submits she will file a status letter on or before on August 27, 2020.

I thank you for your attention and consideration.

Respectfully Yours,

/s/ James E. Bahamonde

James E. Bahamonde, Esq.

cc:  
Jonathan Farrell  
Robert Plosky  
Meltzer, Lippe, Goldstein & Breitstone, LLP  
*Attorneys for Defendants.*

The time to file the temporary restraining order and a status report is extended to August 27, 2020.	
SO ORDERED.	
New York, NY	<u>/s/ John G. Koeltl</u>
July 31, 2020	John G. Koeltl, U.S.D.J.

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<sup>1</sup> Since Ms. Rivera uses a wheelchair for mobility, she asked Defendants the opportunity to inspect the ground-floor unit so she can determine if it is readily accessible and usable to her.

<sup>2</sup> A four-week extension of time to file an application for a temporary restraining order and preliminary injunction moves the deadline to September 3, 2020.